

ABSTRACT

Fathurrahman Abdul Hamid; *The Urgency of Conditionally Divorce in Marriage According to Islamic Law Compilation and MUI Guidance*

Key words: urgency, conditionally divorce, divorce, guidance

Islamic Law Compilation clarify that conditionally divorce is permitted as an agreement in marriage. According to the benefit between husband and wife and the eminence that husband and wife get in conditionally divorce practice, then this conditionally devorce until now stil have urgency in marriage. While according to MUI guidance, nowadays we do not need conditionally divorce any more, because the contents in conditionally divorce are already in marriage law. To determine which one is the stronger, so I made this research. This is important in order to eliminate doubtfulness in the urgency of conditionally divorce in marriage, that has been practicing from the old time until this modern time, even after that MUI guidance published.

This is a normative research, that analize library materials with using statute approach and philosophical approach, and *maqâshid asy-Syarî'ah* theory, law protection theory, and *qawa'id fiqhiyah* theory as the analyze tools.

The conclusion of this research is that until now, conditionally divorce is stil have the urgency in marriage, because there are benefits, the power of law, customs and spritual, and preventive effort that must become the benefits for husband and wife. In othere words, the Islamic Law Compilation that still admit the urgency of conditionally divorce in marriage is stronger than MUI guidance.